

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 69 - HB 154

February 14, 2011

SUMMARY OF BILL: Broadens the offense of soliciting sexual exploitation of a minor and exploitation of a minor by electronic means to include a person located outside the state if the offender solicited a law enforcement officer posing as a minor located in this state.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$209,700/Incarceration*

Assumptions:

- It is a Class B felony for a person, 18 years of age or older, to intentionally persuade or cause a minor to engage in sexual activity as defined in Tenn. Code Ann. § 39-17-1002.
- It is a Class E felony for a person, 18 years of age or older, directly or by means of electronic communication, electronic mail, or Internet service to intentionally engage in sexual activity in the presence of a minor; display to or expose a minor to any material containing sexual activity for the purpose of sexual arousal or gratification; or to display to a law enforcement officer posing as a minor, whom the person making the display believes is less than 18 years of age, any material containing sexual activity. If the minor is less than 13 years of age, a violation is a Class C felony.
- According to the Administrative Office of the Courts, there have been 51 convictions in the past four years for sexual activity or attempted sexual activity and solicitation of sexual activity involving a minor.
- According to information provided by the Department of Correction (DOC), there has been one admission in each of the past two years for the Class B offense of soliciting sexual exploitation of a minor and one admission in FY09 and three admissions in FY10 for the Class E offense of exploitation of a minor by electronic means. Estimate assumes one additional Class B offender and three additional Class E offenders per year as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class B felony is 5.66 years at a cost of \$125,320.94 (2,067.32 days x \$60.62).
- The average post-conviction time served for a Class E felony is 1.27 years at a cost of \$28,119.80 (463.87 days x \$60.62). The additional operating cost for three offenders is \$84,359.40 (\$28,119.80 x 3).

- The total additional operating cost is \$209,680.34 (\$125,320.94 + \$84,359.40).
- No additional operating cost as a result of population growth for this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc